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**DECISION**



M. Boyle  
Proc. I

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-190360

DATE: October 21, 1977

MATTER OF: Multi-Mac Service Corporation

**DIGEST:** Since nothing in Small Business Act or procurement regulation mandates that any particular procurement be set aside for small business and since GAO will not review agency's determination not to make "8(a)" award for given procurement, contention that particular procurement should have been made under "8(a)" program will not be considered.

Multi-Mac Service Corporation (Multi-Mac) protests the award of a custodial/janitorial services contract at the Defense General Supply Center, Richmond, Virginia, to another firm. Multi-Mac was the incumbent pursuant to "8(a)" award but was informed that another firm was awarded a 90-day public exigency contract with work thereunder beginning on October 11, 1977. Multi-Mac contends that the purpose of the "8(a)" program is to enable minority contractors to secure Government contracts without competition and that it was willing to continue negotiations to arrive at another "8(a)" award but the contracting officer failed to negotiate in good faith.

Our decision in Tidewater Protective Services, Inc., 56 Comp. Gen. 115 (1976), 76-2 CPD 462, summarizes our position concerning protests like Multi-Mac's--that a certain procurement should be a small business set-aside or an "8(a)" contract--as follows: (1) nothing in the Small Business Act or procurement regulations makes it mandatory that there be a set-aside for small business as to any particular procurement; and (2) an agency's decision not to make an "8(a)" award for a given procurement will not be reviewed by our Office.

Protest dismissed.

*for Milton J. Dembling*  
Paul G. Dembling  
General Counsel